

REMARKS

This paper is filed in response to the Office Action mailed on December 21, 2006. Presently, Claims 1-17 and 19-29 are pending in the application. Of these, Claims 4-14, 21 and 22 are withdrawn from consideration. Claims 24-26 and 29 are indicated to be allowed. Claims 3, 16, and 20 are objected to. Claims 1, 2, 15, 17, 19, 23, 27, and 28 are rejected. Claim 30 is new. Reconsideration of Claims 1, 2, 15, 17, 19, 23, 27, and 28, and consideration of Claim 30 is respectfully requested.

Status of Claims

Though Claims 4-14, 21, and 22 are withdrawn from consideration as being directed to a non-elected species, upon allowance of a generic claim, a reasonable number of claims to other species is permitted.

Because Claims 4-14, 21, and 22 are dependent from Claim 1. Applicant respectfully requests the examination and allowance of Claims 4-14, 21, and 22 when Claim 1 is allowed.

The Rejection of Claim 17 Under 35 U.S.C. § 112, Second Paragraph

Claim 17 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, line 5 of Claim 17 is purportedly confusing.

Claim 17 has been amended to more distinctly claim one embodiment of the boot binding system. Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 1, 2, 15, 17, 19, and 23 Under 35 U.S.C. § 102(b)

Claims 1, 2, 15, 17, 19, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,758,895 (Bumgarner).

In response thereto, Claims 1, 17, and 19 have been amended.

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Claim 1 has been amended to recite "wherein the fastener shortens the first strap on which it is located and the linkages cause the other strap to be shortened if the first strap is shortened and allow lengthening if the first strap is lengthened."

Claim 17 has been amended to recite "a movable linkage that connects the movable toe strap end to the movable ankle strap end such that the manually operable fastener shortens the first strap on which it is located and the movable linkage causes the other strap to be shortened if the first strap is shortened and allows lengthening if the first strap is lengthened."

Claim 19 has been amended to recite "a manually operable fastener located on one of either the first or the second strap, wherein operation of said fastener shortens the strap on which it is located and the linkage causes the other strap to be shortened if the first strap is shortened and allows lengthening if the first strap is lengthened.

For a reference to be anticipatory, the reference must exactly describe the claimed invention.

As best understood by applicant, the Examiner states that if Bumgarner changes the length of the ankle strap 4 by operation of the fastener (41, 42) when the locking bar 8 is not engaged, that will cause the locking bar 8 to pivot upwards, thus, lengthening the toe strap 6.

Assuming for the sake of argument such is the case, operation of either ankle fastener (41 and 42), or toe fastener (61 and 62) to shorten a strap would not cause shortening of the other strap. In Bumgarner, to shorten both straps 4 and 6 requires that both pairs of fasteners (41, 42) and (61, 62) be operated to shorten the ankle strap 4 and toe strap 6, respectively.

Accordingly, the withdrawal of the rejection of Claims 1, 2, 15, 17, 19, and 23 is respectfully requested.

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The Rejection of Claims 1, 17, 19, 27, and 28 Under 35 U.S.C. § 102(b)

Claims 1, 17, 19, 27, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,692,765 (Laughlin).

For a reference to be anticipatory, the reference must exactly describe the claimed invention.

The limitations of Claims 1, 17, and 19 are as described above.

As best understood by applicant, the Examiner states that either one of the operable "fastening" device 57 or 74 (corresponding to the end of the toe strap 16 and ankle strap 58, respectively) can be manually moved, wherein such movement of either end of the toe or ankle strap allows a lengthening or shortening of the respective strap, while allowing lengthening of the other strap.

Assuming for the sake of argument such is the case, manually moving either end of the toe or the ankle strap to shorten the length of it would not cause the other strap to be shortened. This is because the cables are simply not arranged to perform in that way. For example, shortening the toe strap 16 by manually moving the end 57 downward would simply result in bending of the cable 56, thus, no force could be transferred to the ankle strap 18 to cause the ankle strap 18 to be shortened when the toe strap 16 is shortened.

Accordingly, the withdrawal of the rejection of Claims 1, 17, 19, 27, and 28 is respectfully requested.

Allowable Subject Matter

The indication of allowable subject matter in Claims 3, 16, 20, 24-26, and 29 is gratefully acknowledged.

New Claim 30

Claim 30 is new and dependent from Claim 17. Accordingly, consideration and allowance of Claim 30 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, applicant respectfully submits that Claims 1-17 and 19-30 are allowable. If the Examiner has any questions or comments that may further advance prosecution, the Examiner is invited to contact the applicant's attorney at the number provided below.

Respectfully submitted,

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